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FILED IN THE
UNITED STATES
BANKRUPTCY COURT

2009 JAN -5 AM 11:48

DISTRICT OF UTAH

**UNITED STATES BANKRUPTCY COURT
STATE OF UTAH, CENTRAL DIVISION**

In re:

C. W. MINING COMPANY,

Debtor.

Bankruptcy No. 08-20105

Chapter 11

Judge Judith A. Boulden

**C.O.P. COAL DEVELOPMENT CO.'S MOTION TO CLARIFY
ORDER DENYING IN PART MOTION OF AQUILA, INC. FOR ORDER
PRESERVING AND PROTECTING ASSETS OF BANKRUPTCY ESTATE**

C.O.P. Coal Development Company (COP) moves the Court to clarify its August 7, 2008 Memorandum Decision Denying in Part Aquila, Inc.'s Motion for Order Preserving and Protecting Assets. Aquila continues to litigate this case as though certain property within the scope of the Memorandum Decision is outside the scope of the Memorandum Decision. COP asks the Court to clarify that the Order applies to all property CWM disposed of prior to entry of the Memorandum decision, including in particular CWM's disposal on or about June 24, 2008 of any lease it had with COP, and CWM's sale of property to Hiawatha including CWM's operating equipment and permit. This motion is supported by the accompanying Memorandum.

DATED December 31, 2008.


Attorney for C.O.P. Coal Development Co.

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CERTIFICATE OF SERVICE

I certify that on December 31, 2008 I served the above by first class mail to:

Russell S. Walker
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Attorney for C. W. Mining Co.

Kenneth A. Rushton
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United States Bankruptcy Trustee
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A handwritten signature in black ink, appearing to read "Mark Hanna", written over a horizontal line.